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June 13, 2013

Via ECF and Facsimile (718)613-2365

Magistrate Judge Cheryl L. Pollak
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Carlos Marin, et al. v. Apple-Metro, Inc., et al.*
Civil Action No.: 12-CV-05274(ENV)(CLP)

Dear Magistrate Judge Pollak:

We represent the Plaintiffs in the above-referenced action. At the April 17, 2013 initial conference, Your Honor issued an Order requiring the parties to exchange discovery requests by May 10, 2013, with responses due by June 17, 2013. The parties exchanged discovery requests on May 10th pursuant to that Order.

After exchanging requests, counsel for both parties herein spoke with Ari Graff, Esq. of The Ottinger Firm, P.C., counsel for the Plaintiffs in a similar class action pending in the Southern District before Judge Castel, about transferring that action and consolidating it with this action currently pending before Your Honor.¹ Pursuant to those discussions, Mr. Graff submitted a letter request to Judge Castel requesting an abeyance of the proceedings in that action for 30 days so that the parties could seek to consolidate the two actions before Your Honor in the meantime. A copy of that letter is attached.

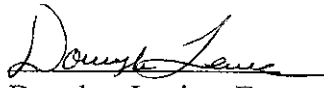
¹ The Southern District action is titled *Kenny Lebron et al. v. Apple-Metro, Inc. et al.* and is filed under Civil Action No. 13-CV-1411.

Accordingly, I now write with the consent of counsel for the Defendants herein and with the consent of Mr. Graff to request Your Honor's approval of the following proposed schedule which would consolidate the two actions and modify the April 17, 2013 Order:

- (1) Plaintiff will file an Amended Complaint, adding additional parties and allegations on or before June 28, 2013;
- (2) Defendants will file an Answer to the Amended Complaint on or before July 19, 2013;
- (3) The parties will serve revised discovery requests on or before August 2, 2013; and
- (4) The parties will serve responses to the revised discovery requests on or before September 6, 2013.

Should the Court have any questions for the parties about this letter or the proposed schedule, counsel for the parties will make themselves available at the Court's convenience. At a minimum, the parties can address the proposed schedule with the Court at the June 24, 2013 conference before Your Honor, which Mr. Graff will also attend. Thank you for your time and attention to this matter.

Respectfully,


Douglas. Levine, Esq.
For the Firm

Enclosure

C: Craig R. Benson, Esq., Robert Cirino, Esq. and George B. Pauta, Esq. (via ECF)
Ari Graff, Esq. (via e-mail)